

Received from <415 852 0195> at 9/16/02 1:02:29 PM [Eastern Daylight Time]  
S 9/19 #173  
1600



**FAX**

Legal Department  
3160 Porter Drive  
Palo Alto, CA 94304  
(650) 855-0555  
fax (650) 845-4166 or (650) 849-8886

**DATE:** September 16, 2002  
**TO:** Office of Initial Patent Examination  
**COMPANY:** USPTO  
**FAX NO.:** 703-746-9195  
**TELEPHONE NO.:**  
**FROM:** Lynn E. Murry  
**OUR REF. NO.:** PF-0356-3 DIV  
**YOUR REF. NO.:** 09/840,787  
**PAGES :** 13

Re: Request for Corrected Filing Receipt

This facsimile is intended for the addressee only and may contain confidential information. If you have received this facsimile in error, please call us at 650.855.0555 immediately to arrange for its return.

Docket No.: PF-0356-3 DIV

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the attention of Examiner Elizabeth Slobodyansky, Group Art Unit 1652, U.S. Patent and Trademark Office, OIPE, to Facsimile No. 703-746-9195 on the date shown below.

  
Signature

September 16, 2002  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lal et al.

Title: HUMAN REGULATORY MOLECULES

Serial No.: 09/840,787

Filing Date: September 26, 2001

Examiner: Slobodyansky, E.

Group Art Unit: 1652

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL FEE SHEET**

Sir:

Transmitted herewith are the following for the above-identified application:

1. Request for a Corrected Filing Receipt (2 pp.);
2. Copy of the Return Receipt Postcard (1 pp.);
3. Copy of the Patent Application Transmittal (3 pp.);
4. Copy of the Express Mailing Label No. EL 856 155 985 US (1 pg.);
5. Copy of the Official updated Filing Receipt (with red-line markings (2 pp.); and
6. Copy of the Decision on Petition ( 2 pp.).

☒ No additional Fee is required.

☐ Please charge Deposit Account No. 09-0108 in the amount of : \$ \_\_\_\_\_

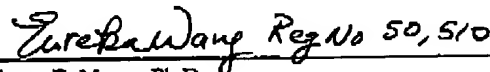
The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: September 16, 2002

for

  
Lynn E. Murry, Ph.D.  
Reg. No. 42,918  
Direct Dial Telephone: (650) 845-4159

3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
Fax: (650) 845-4166

100627

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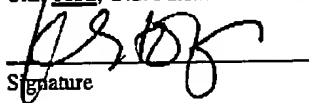
09/840,787

#13

Docket No.: PF-0356-3 DIV

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the attention of Examiner Elizabeth Slobodyansky, Group Art Unit 1652, U.S. Patent and Trademark Office, OIPE, to Facsimile No. 703-746-9195 on the date shown below.

  
Signature

September 16, 2002  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lal et al.

Title: HUMAN REGULATORY MOLECULES

Serial No.: 09/840,787

Filing Date: September 26, 2001

Examiner: Slobodyansky, E.

Group Art Unit: 1652

Commissioner for Patents  
Office of Initial Patent Examination  
Filing Receipt Corrections  
Customer Service Center  
Washington, D.C. 20231

**REQUEST FOR A CORRECTED FILING RECEIPT**

Sir:

Attached is a copy of the Official Filing Receipt (with red-line markings to note changes) received from the United States Patent and Trademark Office (USPTO) in the above application for which issuance of a corrected filing receipt is respectfully requested. Please make the correction as follows:

1. Under the Section entitled, "FILING DATE" please replace "09/26/2001" with --04/23/2001--;
2. Under the Section entitled, "Domestic Priority data as claimed by applicant," please replace, "THIS APPLICATION IS A DIV OF 09/518,865 0303/2000 ABN" with --THIS APPLICATION IS A DIV OF 09/518,865 0303/2000--.

Applicants hereby request that the above corrections be entered based on the following enclosed documents:

1. A copy of the Return Receipt Postcard dated April 23, 2001, and received "date-stamped," by the USPTO on May 1, 2001 (1 pg.).
2. A copy of the Patent Application Transmittal, with express certificate of mailing dated April

100556

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09/840,787

**Docket No.: PF-0356-3 DIV**

23, 2001:

3. A copy of the Express Mailing Label No. EL 856 155 985 US, date stamped by the United States Postal Service on April 23, 2001 (1 pg.);

4. A copy of the Official updated Filing Receipt date mailed October 24, 2001 by the USPTO (1pg.); and

5. A copy of the Decision on Petition filed February 19, 2002 to revive Application No. 09/518,865 ( 2 pp.).

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: September 16, 2002

Lynn E. Murry, Ph.D. Reg No: 50, 510  
for Lynn E. Murry, Ph.D.  
Reg. No. 42,918  
Direct Dial Telephone: (650) 845-4159

3160 Porter Drive  
Palo Alto, California 94304  
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Fax: (650) 845-4166

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09/840,787

#13

Received from <415 852 0195> at 9/16/02 1:02:29 PM [Eastern Daylight Time]

10922 U.S. PRO  
09/18/02  
10922 U.S. PRO  
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Express Mail No.: EL 856 155 985 US

Mailed: April 23, 2001  
Docket No.: PP-8356-3 DIV

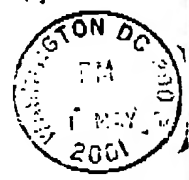
ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, D.C. 20230

Inventors: Preeti Lal, Jennifer L. Hillman, Olga Bandman, Purvi Shah, Janice  
An-Young, Henry Miao, Karl J. Guegler, Neil C. Cosley  
Title: HUMAN REGULATORY MOLECULES

- ☒ Return Receipt Forward
- ☒ Transmittal for Electronic Application (3 pages, in duplicate)
- ☒ Copy of specification consisting of:
  - 29 pages of Specification (1-29);
  - 2 pages of Claims (60-61);
  - 1 page of Abstract (62);
- ☒ 84 pages of Sequence Listing;
- ☒ 6 pages - Copy of executed Declaration & Power of Attorney as originally filed;
- ☒ 2 pages - Certificate Under 37 CFR §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pages);
- ☒ 7 pages - Information Disclosure Statement (2 pages, in duplicate) and List of Cited References - Form PTO-1449 (3 pages)

LEMDS/alm

Incyte Pharmaceuticals, Inc.  
Patent Department  
Received  
MAY - 4 2001



Incyte Genomics, Inc.  
Legal Department  
3160 Porter Drive  
Palo Alto, CA 94304

4304+1812

Docket # PF-0356-3 DIV

"Express Mail" mailing label number EL 856 155 985 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on April 23, 2001

By: [Signature]  
Printed: KATHLEEN K. ALLEN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/518,865, filed on March 3, 2000, entitled HUMAN REGULATORY MOLECULES, which was a divisional application of USPN 6,132,973, issued October 17, 2000, which was a divisional application of USPN 5,932,442, issued August 3, 1999.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/518,865 filed March 3, 2000, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/933,750, filed September 23, 1997, now USPN 5,932,442, issued August 3, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/518,865 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3.    Cancel in this application original claims        before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related

Docket # PF-0356-3 DIV

to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Preeti Lal, Jennifer L. Hillman, Olga Bandman, Purvi Shah, Janice Au-Young, Henry Yue, Karl J. Guegl.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on September 23, 1997 is enclosed.
6.     Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/518,865, filed March 3, 2000, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee
				Rate	Fee	\$710.00
Total Claims	20	-20	0	x \$18	0	\$0
Indep. Claims	2	-3	0	x \$80	0	\$0
Multiple Dependent Claim(s), if any					+ \$270	\$0

TOTAL FILING FEE \$ 710.00

8.     An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10.     New formal drawings are enclosed.

Docket # PF-0356-3 DIV

11. ☒ The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on March 16, 1998, at reel 9106/frame 0593.
12. ☐ A preliminary amendment is enclosed.
13. ☒ Also enclosed Information Disclosure Statement and Form PTO-1449.
14. ☒ The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Colette C. Muenzen	Reg. No. 39,784
Sheela Mohan-Peterson	Reg. No. 41,201
Karen J. Zeller	Reg. No. 37,071

☐ The associate power of attorney in the prior application is to:

- a. ☒ A Certificate Under 37 CFR §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached hereto.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

**INCYTE GENOMICS, INC.**  
**PATENT DEPARTMENT**  
**3160 Porter Drive**  
**Palo Alto, California 94304**  
**Phone: (650) 855-0555, Fax: (650) 845-4166**

Date: April 23, 2001

By: David S. Huth Reg. No. 43,168  
 for Lynn E. Murry, Ph.D., Reg. No. 42,918  
 Direct Dial Telephone: (650) 845-4159

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)
- ☐ Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_



#13



# POST OFFICE TO ADDRESSEE



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Date In 04 23 01	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 16-
Time In 8 50 AM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1 lb 11 oz	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 16-

<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
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METHOD OF PAYMENT: Express Mail Corporate Acct. No. X940075	
FROM: (PLEASE PRINT) PATENT LEGAL DEPARTMENT INCYTE GENOMICS 3160 PORTER DR PALO ALTO CA 94304-1212 USA	
PHONE: ( ) - - -	
PF-0356-3 DIV LEM/kkm 4/23/01	

TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS & TRADEMARKS BOX PATENT APPLICATION WASHINGTON DC 20231-0001	
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ORIGIN (POSTAL USE ONLY)		
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Date In 04 23 01	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In 8 50 AM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1 lb 11 oz	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	AM PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	AM PM	
Delivery Date	Time	Employee Signature
Mo. Day	AM PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY	<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

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PF-0356-3 DIV LEM/kkm 4/23/01	

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INCYTE LEGAL DEPT

Sep. 16. 2002 - 10:00AM

OCT 29 2001



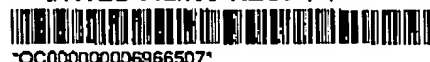
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/840,787	09/26/2001 04/23/2001	1652	710	PF-0356-3 DIV		20	2

CONFIRMATION NO. 5251

UPDATED FILING RECEIPT



\*0000000006966507\*

INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, CA 94304

Date Mailed: 10/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Preeti Lal, Santa Clara, CA;  
Jennifer L. Hillman, Mountain View, CA;  
Olga Bandman, Mountain View, CA;  
Purvi Shah, Sunnyvale, CA;  
Janice Au-Young, Berkeley, CA;  
Henry Yue, Sunnyvale, CA;  
Karl J. Guegler, Menlo Park, CA;  
Neil C. Corley, Mountain View, CA;

Assignment For Published Patent Application

Incyte Pharmaceuticals, Inc;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/518,865 03/03/2000 ~~ABN~~  
WHICH IS A DIV OF 09/234,613 01/20/1999 PAT 6,132,973  
WHICH IS A DIV OF 08/933,750 09/23/1997 PAT 5,932,442

Foreign Applications

If Required, Foreign Filing License Granted 07/26/2001

Projected Publication Date: 01/31/2002

Non-Publication Request: No

**Early Publication Request: No**

**Title**

Human regulatory molecules

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
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Incyte Pharmaceuticals, Inc.  
Patent Department  
Received

MAY 17 2002

Paper No. 14

Lynn E. Murry  
Incyte Pharmaceuticals, Inc.  
3160 Porter Drive  
Palo Alto, CA 94304

COPY MAILED

MAY 10 2002

OFFICE OF PETITIONS

In re Application of  
Preeti Lal et al. al.  
Application No. 09/518,865  
Filed: March 3, 2000  
Attorney Docket No. PF-0356 2010

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 19, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 22, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 23, 2001.

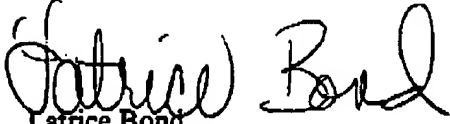
The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 09/840,787.

The application file is being forwarded to Files Repository.

Application No. 09/518,865

Page 2

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond

Paralegal Specialist

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy